



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,734	04/15/2004	Adrian E. Ong	24295/81003	6737

7590 01/04/2006

Philip W. Woo
c/o SIDLEY AUSTIN BROWN & WOOD LLP
SUITE 5000
555 CALIFORNIA STREET
SAN FRANCISCO, CA 94104-1715

EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT	PAPER NUMBER
----------	--------------

2138

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,734	Applicant(s) ONG, ADRIAN E.	
	Examiner Dipakkumar Gandhi	Art Unit 2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 41 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 41 are included in claim 1 of U.S. Patent No. US 6,732,304 B1. The features in claim 41 mentioned as "during a normal mode of operation" or "during a test mode of operation" are present in claim 1 of U.S. Patent No. US 6,732,304 B1.

3. Claim 42 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 42 are included in claim 2 of U.S. Patent No. US 6,732,304 B1.

4. Claim 43 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 43 are included in claim 3 of U.S. Patent No. US 6,732,304 B1.

5. Claim 44 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not

Art Unit: 2138

identical, they are not patentably distinct from each other because all features of claim 44 are included in claim 4 of U.S. Patent No. US 6,732,304 B1.

6. Claim 45 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. US 6,732,304 B1 in view of Tanaka (US 6,011,720).

As per claim 45, the claim 5 of U.S. Patent No. US 6,732,304 B1 teaches a data bus having a bus width of at least 128 bits.

However the U.S. Patent No. US 6,732,304 B1 does not explicitly teach specifically that the data bus has a bus width of at least 32 bits.

Tanaka in an analogous art teaches that the bus width of the internal data bus 29 is equal to or greater than 32 bits ((fig. 6, col. 9, lines 55-56, Tanaka).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the U.S. Patent No. US 6,732,304 B1 with the teachings of Tanaka by including additionally that the data bus has a bus width of at least 32 bits.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the data bus having a bus width of at least 32 bits would provide the opportunity to reduce time required to transmit data through the data bus.

7. Claim 46 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 46 are included in claim 6 of U.S. Patent No. US 6,732,304 B1.

8. Claim 47 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 47 are included in claim 7 of U.S. Patent No. US 6,732,304 B1.

9. Claim 48 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not

Art Unit: 2138

identical, they are not patentably distinct from each other because all features of claim 48 are included in claim 8 of U.S. Patent No. US 6,732,304 B1.

10. Claim 49 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 49 are included in claim 9 of U.S. Patent No. US 6,732,304 B1.

11. Claim 50 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 50 are included in claim 10 of U.S. Patent No. US 6,732,304 B1.

12. Claim 51 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 51 are included in claim 16 of U.S. Patent No. US 6,732,304 B1.

13. Claim 52 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 52 are included in claim 17 of U.S. Patent No. US 6,732,304 B1.

14. Claim 53 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 53 are included in claim 18 of U.S. Patent No. US 6,732,304 B1.

15. Claim 54 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 54 are included in claim 19 of U.S. Patent No. US 6,732,304 B1.

Art Unit: 2138

16. Claim 55 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 55 are included in claim 20 of U.S. Patent No. US 6,732,304 B1.

17. Claim 56 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 56 are included in claim 21 of U.S. Patent No. US 6,732,304 B1.

18. Claim 57 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 57 are included in claim 22 of U.S. Patent No. US 6,732,304 B1. The features in claim 57 mentioned as "during a normal mode of operation" or "during a test mode of operation" are present in claim 22 of U.S. Patent No. US 6,732,304 B1.

19. Claim 58 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 58 are included in claim 23 of U.S. Patent No. US 6,732,304 B1.

20. Claim 59 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 24 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 59 are included in claim 24 of U.S. Patent No. US 6,732,304 B1.

21. Claim 60 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 25 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 60 are included in claim 25 of U.S. Patent No. US 6,732,304 B1.

Art Unit: 2138

22. Claim 61 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 26 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 61 are included in claim 26 of U.S. Patent No. US 6,732,304 B1.

23. Claim 62 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 27 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 62 are included in claim 27 of U.S. Patent No. US 6,732,304 B1.

24. Claim 63 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 32 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 63 are included in claim 32 of U.S. Patent No. US 6,732,304 B1. The features in claim 63 mentioned as "during a normal mode of operation" or "during a test mode of operation" are present in claim 32 of U.S. Patent No. US 6,732,304 B1.

25. Claim 64 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 33 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 64 are included in claim 33 of U.S. Patent No. US 6,732,304 B1.

26. Claim 65 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 34 of U.S. Patent No. US 6,732,304 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features of claim 65 are included in claim 34 of U.S. Patent No. US 6,732,304 B1.

Art Unit: 2138

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 571-272-3822. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dipakkumar Gandhi
Patent Examiner



GUY LAMARRE
PRIMARY EXAMINER